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Intellectual Property Department
Sony Electronics Inc.
123 Tice Boulevard - MD T1-1
Woodcliff Lake NJ 07677-8402

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OFFICE OF PETITIONS

In re Application of
Eytchison, et al.
Application No. 10/045,213
Filed: October 23, 2001
Attorney Docket No. 50P4280.02
For: CONTENT ABSTRACTION LAYER
FOR USE IN HOME NETWORK
APPLICATIONS

DECISION GRANTING
PETITION

This is a decision on the petition entitled, "PETITION UNDER 37 CFR 1.182," filed May 7, 2002 (certificate of mailing date April 29, 2002), requesting, in effect, partial withdrawal of the Notice to File Corrected Application Papers (Notice) insofar as the Notice stated that Figure 7 appeared to have been omitted. The petition will be treated under 37 CFR 1.53(e).

The application was deposited on October 23, 2001. On March 1, 2002, the Office of Initial Patent Examination mailed a Notice informing petitioners that drawing figure 7 described in the specification appeared to have been omitted.

In response to the Notice, petitioners timely filed the present petition. Petitioners request that drawing figure 7 be accorded a filing date of October 23, 2001 on the basis that 12 sheets of drawing figures, including drawing figure 7, were received in the Patent and Trademark Office (PTO) on October 23, 2001. In support, the petition is accompanied by a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing October 23, 2001 as the date of receipt. The postcard lists, *inter alia*, that the filing included 12 sheets of drawings.

The return postcard constitutes *prima facie* evidence that 12 sheets of drawing figures, including drawing figure 7, were filed on October 23, 2001. MPEP 503. Accordingly, the request is granted.

The \$130.00 petition fee will be credited to deposit account no. 19-3195.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of October 23, 2001, using the 12 sheets of substitute drawings, including Figure 7, submitted with the instant petition. Office records will be corrected to show that 12 sheets of drawings were present on filing.

Any inquiries pertaining to this matter may be directed to Petitions Attorney E. Shirene Willis at (703) 308-6712.


Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy